

## **REMARKS/ARGUMENTS**

Claims 1-20 are pending. However, claims 7-20 are shown as “withdrawn” status as non-elected claims. Therefore, claims 1-6 are presented for Examiner Del Sole’s consideration.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the following remarks is respectfully requested.

Applicants thank Examiner Del Sole for including in the Office Action mailed February 14, 2006 signed copies of the initialed Forms PTO-1449 sent with Applicants’ Information Disclosure Statements that were received in the Office on April 26, 2004 and May 27, 2005.

### **Objection to Specification:**

By way of the section numbered 2 of the Office Action mailed February 14, 2006, Examiner Del Sole objected to the abstract because it includes discussion of the non-elected method and, citing MPEP §608.01(b), stated that the abstract should be amended to address only the elected apparatus. Applicants have herewith provided the requested amended abstract for Examiner Del Sole’s review. However, Applicants also respectfully request that the Examiner reconsider this objection. According to MPEP §608.01(b), the abstract is intended to be, “A brief abstract of the technical disclosure in the specification” (emphasis added). MPEP §608.01(b) does not appear to indicate that the abstract must only include disclosure of that matter which is currently claimed, and particularly does not appear to indicate that an applicant must redact the abstract following restriction and election.

By way of the section numbered 3 of the Office Action mailed February 14, 2006, Examiner Del Sole objected to the title, which is herewith amended to refer only to the apparatus. In addition, the Examiner objected to the specification at page 10, line 14 because of an error (incorrect reference numeral), which is corrected by the replacement paragraph submitted herewith.

### **Claims Rejections, nonstatutory double patenting**

By way of the sections numbered 4-7 of the Office Action mailed February 14, 2006, Examiner Del Sole rejected claims 1-6 on the ground of obviousness-type double patenting over U.S. Patent No. 6,579,084 to Cook, variously in view of U.S. Patent Nos. 5,145,689 to Allen et al. and 5,679,042 to Varona, and over U.S. Patent No. 6,579,084 to Cook in view of either of U.S. Patent Nos. 5,145,689 to Allen et al. and 5,679,042 to Varona further in view of any of U.S. Patent Nos. 5,601,773 to Schmidt et al.; 4,322,202 to Martinez; and 3,878,992 to MacManus. Applicants respectfully request that the double patenting rejections be held in abeyance with respect to the present application until such time as the presence of allowable subject matter is indicated.

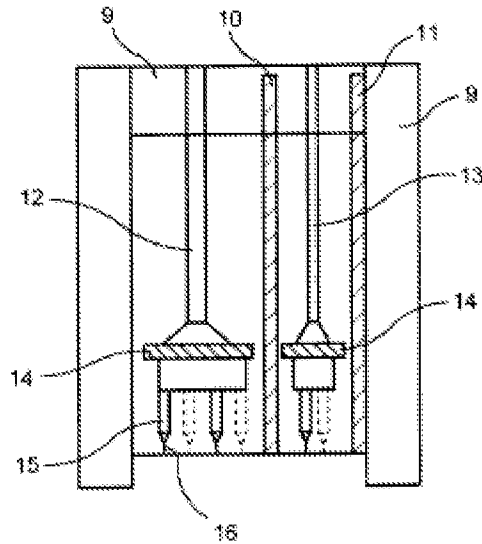
### **Claims rejections, 35 U.S.C. §102(b) (claims 1-4)**

By way of the sections numbered 8-9 of the Office Action mailed February 14, 2006, Examiner Del Sole rejected claims 1-4 under 35 U.S.C. §102 as allegedly being anticipated and thus unpatentable over U.S. Patent No. 6,164,950 to Barbier et al. (hereinafter "Barbier et al."). This rejection is respectfully **traversed** to the extent it may apply to the currently presented claims, as described in the remarks below.

The invention relates to an apparatus for making fibrous nonwoven web having the ability to produce nonwoven webs having a plurality of fiber types. As claimed in independent claim 1, the apparatus includes an extrusion die, first fluid supply in cooperation with the extrusion die, and a second fluid supply in cooperation with the extrusion die; a plurality of first extrusion capillaries and a plurality of second extrusion capillaries. The apparatus further includes first counterbores allowing fluid communication between the first extrusion capillaries and the first fluid supply, and second counterbores allowing fluid communication between the second extrusion capillaries and the second fluid supply. As claimed, each of the first counterbores has at least two of the first extrusion capillaries extending therefrom and each of the second counterbores has at least one of the second extrusion capillaries extending therefrom.

As noted in the Office Action, the Barbier et al. disclosure is directed to an apparatus for making a spunbond nonwoven web, having a die with first and second fluid

supplies and first and second extrusion capillaries. The Office Action referenced Barbier et al. at Fig. 4a and further stated that Barbier et al. disclose first and second counterbores and that each first counterbore has at least 3 first extrusion capillaries, and that each second counterbore has at least 2 extrusion capillaries. Applicants respectfully submit that this is not correct. Fig. 4a of Barbier et al. is reproduced below.



In the Office Action, the area shown as the box directly below item 14 was identified as being equivalent to Applicants' first (left side of image) or second (right side of image) counterbores, each of these purported counterbores having multiple extrusion capillaries 16. As stated above, Applicants submit that this is not correct. According to Barbier et al., item 14 is a "distributor screen". Please see Barbier et al. at col. 5 approximately lines 14-24 where this Figure is described,

For a rectangular nozzle shape according to FIG. 3a, cross section A--A is shown at the top of FIG. 4. This shows the heating box again as 9, plus insulation bores 10 and insulation gap 11. Insulation bores 10 separate melt channel 12 for the matrix component polymer from melt channel 13 for the binding component polymer. Just upstream from the orifice, each of the melts passes through a melt distributor screen 14 and then through a fore-bore for orifice capillary 16. The structural design for the melt control for the binding component is the same.

Applicants respectfully submit that the area immediately below the distributor screen 14 is a polymer distributor, and is not a counterbore as was stated in the Office Action. In this regard, Applicants submit that the area shown below the distributor screen 14 in

Fig. 4a of Barbier et al. is similar to the slot polymer distribution channel 61 shown in Applicants' FIG. 6, located just above Applicants' counterbore (item 62 in Applicants' FIG. 6).

Applicants further submit that the only structure disclosed by Barbier et al. which might be considered closely equivalent to the counterbores required by Applicants' claims is the item number 15 shown in Fig. 4a of Barbier et al. Although the text of Barbier et al. fails to explicitly name item 15 in Fig. 4a, the above-quoted text refers to a "fore-bore" that the polymer flows through just prior to "orifice capillary 16". However, as can be clearly seen from Fig. 4a of Barbier et al., the fore-bores (or, explicitly in Fig. 4a of Barbier et al., the structures marked as item 15) are shown to include only one capillary per structure. Nor is there any discussion that this structure could include more than one extrusion capillary.

For these reasons, Applicants submit that Barbier et al. fails to anticipate their invention, and respectfully request that the anticipation rejection under 35 U.S.C. §102 over U.S. Patent No. 6,164,950 to Barbier et al. be withdrawn.

### **Claims Rejections, 35 U.S.C. §103(a) (claims 5 and 6)**

By way of the sections numbered 10-14 of the Office Action mailed February 14, 2006, claim 5 was rejected under 35 U.S.C. §103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over the above-described Barbier et al. in view of any of any of U.S. Patent Nos. 3,878,992 to MacManus ("MacManus"); 4,322,202 to Martinez ("Martinez"); and 5,601,773 to Schmidt et al. ("Schmidt et al."). Claim 6 was rejected under 35 U.S.C. §103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over the above-described Barbier et al. in view of U.S. Patent No. 5,145,689 to Allen et al. ("Allen et al."). These rejections are respectfully **traversed** to the extent applicable to the currently presented claims, as described in the remarks below.

Claims 5 and 6 each depend directly from Claim 1. Relating to claim 5, MacManus relates to a decorating head for dispensing a highly aerated food product (i.e., a cake decorator), Martinez relates to a bread dough maker, and Schmidt et al. relates to an injection-molding manifold for co-injection of plastics from separate sources. These three

secondary references were provided for the proposition that they teach multiple sources or inlets directed to a single outlet or port. However, as described above, Applicants respectfully submit that Barbier et al. fail to disclose each and every element of Applicants' claim 1 for failing to disclose at least a die wherein each of the first counterbores has at least two of the first extrusion capillaries extending therefrom. None of the 3 cited secondary references appears to remedy this defect in the disclosure of the primary Barbier et al. reference (please note, the Office Action did not assert that any did).

In addition to the above-described defect in the disclosure of the main reference, Applicants respectfully submit that one skilled in the art would not be motivated to modify Barbier et al. with any of the cited secondary references. Barbier et al. and the Applicants' invention are directed to extrusion dies for producing fibrous nonwoven webs. The secondary references, MacManus, Martinez and Schmidt et al., relate respectively to cake decorating, bread dough making, and injection-molding. In addition to the problem of the secondary references being remote from an art standpoint, please further note that MacManus, Martinez and Schmidt et al. teach bringing together the separate inlets to a single outlet, while for Barbier et al. the clear teaching and clear intent is to keep the materials separated from each other throughout the entire process until after the fibers are formed of their separate respective polymers.

Therefore, Applicants respectfully submit that the obviousness rejection of claim 5 over Barbier et al. in view of MacManus, Martinez or Schmidt et al. should be withdrawn because one skilled in the art would not be motivated to combine these references. Furthermore, even if combined, Applicants submit that the combination still fails to teach all of Applicants' claim requirements, for at least the reason that neither Barbier et al. nor any combination with MacManus, Martinez or Schmidt et al. teach a die wherein each of the first counterbores has at least two of the first extrusion capillaries extending therefrom.

Relating to claim 6, Allen et al. relates to a meltblowing die and this secondary reference was provided for the proposition that it teaches first, second and third fluid supplies each with a plurality of outlets, and for the proposition that it teaches a plurality of outlets spaced at 2-20 per inch. However, as described above with respect to claim 1, from which claim 6 depends, Applicants respectfully submit that the primary reference,

Appl. No. 10/743,860  
Response dated May 15, 2006  
Reply to Office Action of February 14, 2006

Barbier et al., fail to disclose each and every element of Applicants' claim 1 for failing to disclose at least a die wherein each of the first counterbores has at least two of the first extrusion capillaries extending therefrom, and the Allen et al. reference does not appear to remedy this deficiency (please note, the Office Action did not assert that it does). Therefore, Applicants respectfully submit that the obviousness rejection of claim 6 over Barbier et al. in view of Allen et al. should be withdrawn.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-8908.

Respectfully submitted,  
JOHN JOSEPH LASSIG ET AL.

By: /Robert A. Ambrose/  
Robert A. Ambrose  
Registration No.: 51,231

#### CERTIFICATE OF TRANSMISSION

I, Robert A. Ambrose, hereby certify that on May 15, 2006, this document is being transmitted to the United States Patent and Trademark Office Electronic Filing System EFS-WEB.

By: /Robert A. Ambrose/  
Robert A. Ambrose